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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/757,267

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Anil Kumar

1905A1

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7590

12/29/2005

Frank P. Mallak
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EXAMINER

STULTZ, JESSICA T

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/757,267	Applicant(s) KUMAR ET AL	
	Examiner Jessica T. Stultz	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 136-139, 141, 164-175 and 195-266 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 136-139, 164-175, 195-210, 212-214 and 237-266 is/are allowed.
- 6) ☒ Claim(s) 141 and 234-236 is/are rejected.
- 7) ☒ Claim(s) 211 and 215-233 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1005, 1105</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claim 141 is withdrawn in view of the newly discovered reference(s) to Sugimura et al 2004/0223221, herein referred to as Sugimura et al '221, and based on the amendments to claim 141. Rejections based on the newly cited reference(s) follow.

Claim Objections

Claim 211 is objected to because of the following informalities: Claim 211, line 5, "an adhesion promoters" should be "an adhesion promoter". Appropriate correction is required.

Examiner's Comments

For applicant's information, the IDS filed November 15, 2005 contains references that were previously considered. These references have been crossed out as shown on the attached IDS forms.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 141 and 234-236 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugimura et al '221.

Regarding claims 141 and 236, Sugimura et al '221 discloses a method of making an ophthalmic element and an ophthalmic element made from this method (Abstract) comprising:

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imparting at least one orientation facility (Sections 33-36, wherein the orientation facility is a stretched polymer in the polarizing film) on at least a portion of at least one exterior surface of an ophthalmic element (Abstract and Section 17, wherein the polarizing plate is fused onto an optical article), wherein imparting the orientation facility on the at least a portion of the at least one exterior surface of the ophthalmic element comprises applying an at least partially stretched polymer sheet (Sections 33-36, wherein the orientation facility is a stretched polymer in the polarizing film); and subsequently forming at least a partial coating adapted to polarize at least transmitted radiation on at least a portion of the at least one orientation facility (Sections 33-36, wherein the polarizing film has a dichroic coating to provide polarization).

Regarding claim 234, Sugimura et al '221 further discloses applying an at least partial primer coating to the at least one exterior surface of the ophthalmic element prior to imparting the at least one orientation facility therein (Sections 17 and 33-36, wherein the primer coating is the thermoplastic support layer that is fused onto the optical article).

Regarding claim 235, Sugimura et al '221 further discloses applying at least one additional at least partial photochromic coating (Sections 60-67, wherein the thermoplastic protective layer includes photochromic dyes).

Allowable Subject Matter

Claims 136-139, 164-175, 195-214, 237-266 are allowed.

Claims 215-233 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowable subject matter: none of the prior art alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103.

Specifically regarding independent claim 136, none of the prior art alone or in combination disclose or teach of a method of making an ophthalmic element including at least a partial coating adapted to polarize at least transmitted radiation, specifically including the steps of applying at least a first partial coating including an alignment medium to at least a portion of at least one exterior surface of an ophthalmic element and at least partially ordering the alignment medium, applying at least a second partial coating including an alignment transfer material and at least partially aligning the alignment transfer material, and applying a third partial coating including an anisotropic material and dichroic material and at least partially aligning a portion of the dichroic material.

Specifically regarding independent claim 164, none of the prior art alone or in combination disclose or teach of a method of making an ophthalmic element including at least a partial coating adapted to polarize at least transmitted radiation, specifically wherein the step of applying the partial coating to an exterior surface of an ophthalmic element includes the steps of: applying an at least partial coating comprising an alignment medium, at least partially ordering the alignment medium, at least partially aligning a portion of the alignment medium, applying a dichroic material to the alignment medium, and at least partially aligning the dichroic material.

Specifically regarding claims 215-233, none of the prior art alone or in combination disclose or teach of a method of making an ophthalmic element including imparting at least one orientation facility on at least a portion of at least one exterior surface of an ophthalmic element

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and forming at least a partial coating adapted to polarize at least transmitted radiation on at least a portion of the at least one orientation facility, specifically wherein the step of imparting the orientation facility includes the steps of applying an at least partial coating comprising an alignment medium to the at least one exterior surface of the ophthalmic element and at least partially ordering at least a portion of the alignment medium.

Specifically regarding independent claim 243, none of the prior art alone or in combination disclose or teach of a method of making an ophthalmic element including at least a partial coating adapted to polarize at least transmitted radiation applied to an exterior surface of an ophthalmic element, wherein the steps of applying the partial coating specifically includes the steps of applying an at least partial coating comprising an alignment medium, at least partially ordering the alignment medium, applying a dichroic material and an anisotropic material to the coating, and at least partially aligning the dichroic material.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamamoto et al 6,613,433 is cited for disclosing an orientation coating made of stretched polymer in a polarizing lens.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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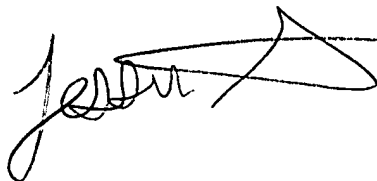
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T. Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz
Patent Examiner
AU 2873
December 21, 2005



JORDAN SCHWARTZ
PRIMARY EXAMINER